



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION

Chris Christie
Governor
Kim Guadagno
Lt. Governor

Robert M. Czech
Chair/Chief Executive Officer

**AGENDA OF REGULAR MEETING OF
THE CIVIL SERVICE COMMISSION
DECEMBER 7, 2011**

Robert M. Czech, Chairperson
Robert E. Brenner
Thomas J. Perna
Richard E. Williams

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Patrick Beatty
Police Central Office
Department of Human Services
Removal

In the Matter of Margaret Eckel
New Lisbon Developmental Center
Department of Human Services
Removals (2)

In the Matter of Robert Green
Ann Klein Forensic Center
Department of Human Services
Removal

In the Matter of Kimberly A. Hayes
New Jersey Veteran's Memorial Home Vineland
Department of Military and Veteran's Affairs
Removal

In the Matter of Kathleen Lumbord
Hudson County
Department of Roads and Public Property
Resignation not in good standing

**RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE IN
THE ABOVE CASES – SETTLEMENT**

ACTION:

A-2 KENNETH BALDOSARO

Kenneth Baldosaro, Senior Correction Officer, South Woods State Prison,
Department of Corrections, 30 working day suspension on charges of
insubordination, other sufficient cause and falsification.

Recommendation of the Administrative Law Judge – Modify the 30 working
day suspension to a five working day suspension.

ACTION:

A-3 JERMANE CARTER

Jermane Carter, County Correction Officer, Burlington County, County Jail, 120-day suspension on charges of incompetency, inefficiency or failure to perform duties, conduct unbecoming a public employee, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Reverse the 120-day suspension.

ACTION:

A-4 SHERYL MANEICE AND TERRANCE GILLIAM

Sheryl Maneice and Terrance Gilliam, Social Workers, Mercer County Board of Social Services, appeal the good faith of their layoff effective July 1, 2010, for reasons of economy and efficiency.

Recommendation of the Administrative Law Judge – Reverse the layoff.

ACTION:

A-5 MONICA MILLER

Monica Miller, Correction Sergeant, Northern State Prison, Department of Corrections, 30 working day suspension on charges of conduct unbecoming a public employee, incompetency, inefficiency, or failure to perform duties, neglect of duty, other sufficient cause, falsification and violation of a rule, regulation, policy, procedure, order, or administrative decision.

Recommendation of the Administrative Law Judge – Uphold the 30 working day suspension.

ACTION:

A-6 HAROLD BAUER

Harold Bauer, Senior Correction Officer, Adult Diagnostic and Treatment Center, Department of Corrections, removal, effective October 29, 2010, on charges of chronic or excessive absenteeism or lateness.

Recommendation of the Administrative Law Judge – Comply with the terms of the agreement placed on the record on September 21, 2011.

ACTION:

A-7 ALONZO CUMBERLANDER

Alonzo Cumberlander, Senior Correction Officer, Northern State Prison, Department of Corrections, removal, effective February 15, 2011, on charges of other sufficient cause, conduct unbecoming a public employee and violation of a rule, regulation, policy, procedure, order or administrative decision.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

A-8 TANYA ELLIS

Tanya Ellis, County Correction Officer, Hudson County, Department of Corrections, removal effective April 4, 2011, on charges of insubordination, conduct unbecoming a public employee, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the removal to a six-month suspension.

ACTION:

SECTION B – MISCELLANEOUS MATTERS**B-1 LILLIAN GUIA**

Lillian Guia, a Forensic Scientist 2 with the Division of State Police, Department of Law & Public Safety, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-2 ROBERTA HOROWITZ

Roberta Horowitz, a former Medical Review Analyst with the Office of the Medicaid Inspector General, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-3 CHAD TRACY

Chad Tracy, a Senior Correction Officer with the Albert C. Wagner Youth Correctional Facility, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-4 LUIS E. PEREZ

Luis E. Perez appeals his rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove his name from the eligible list for Correction Officer Recruit (S9999K) on the basis of medical unfitness to perform effectively the duties of the position.

ACTION:

B-5 GILBERT REED

Gilbert Reed appeals his rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove his name from the eligible list for Correction Officer Recruit (S9999K) on the basis of medical unfitness to perform effectively the duties of the position.

ACTION:

B-6 FREDERICK SHARPE

Frederick Sharpe, a former Youth Worker at the Vineland Children's Residential Treatment Center, appeals a five-day suspension issued by the Department of Children and Families.

ACTION:**B-7 VLADYMER ASTE**

Vladimir Aste appeals the decision of the Division of State and Local Operations which upheld the removal of his name from the Correction Officer Recruit (S9999K), Department of Corrections, eligible list due to his falsification of his employment application.

ACTION:**B-8 KELLEY BEAM**

Kelley Beam appeals the removal of her name from the Family Service Specialist 1 (PS6667K), Department of Children and Families, employment list due to the appellant's failure to respond to the Certification Notice.

ACTION:**B-9 JOSE CASAIS**

Jose Casais appeals the decision of the Division of Selection Services which denied his admittance to the promotional examination for Fire Captain (PM5209N), Bayonne.

ACTION:**B-10 LOUIS IANDOLI**

Louis Iandoli appeals the determination of the Division of Selection Services that denied his admittance to the promotional examination for Fire Captain (PM5238N), Paterson, due to a late application.

ACTION:

B-11 J.J.

J.J., a former Police Officer with East Orange, requests that he be reinstated to employment in light of the dismissal of criminal charges against him.

ACTION:

B-12 SABRINA CHENG

Sabrina Cheng, represented by Thomas J. Palermo, President, CWA Local 1039, petitions the Civil Service Commission for reconsideration of the final decisions, rendered on June 9, 2010, which denied her classification, layoff rights, and good faith layoff appeals.

ACTION:

B-13 LAURIE VAN GENDEREN

Burlington County, represented by Dina Rocco, Assistant County Solicitor, petitions the Civil Service Commission for reconsideration of that part of the final decision, rendered on February 2, 2011, which imposed a fine in the amount of \$2,048.

ACTION:

B-14 JONNESE ARRINGTON, ET AL.

The Essex County Sheriff's Office, on behalf of Jonnese Arrington, Luis Cardoso, and Hanniel Leon, requests that they be permitted to participate in the intergovernmental transfer program and to complete the remainder of their working test periods as Sheriff's Officers with the Sheriff's Office.

ACTION:

B-15 OMER OLMEDA

The Township of Clark, on behalf of Omer Olmeda, requests that he be permitted to participate in the intergovernmental transfer program and to complete the remainder of his working test period as a Police Officer with Clark.

ACTION:

B-16 JAMES RAUSCH

The Gloucester County Sheriff's Office requests that the provisions of *N.J.A.C.* 4A:4-7.1A be relaxed in order to permit the intergovernmental transfer of Police Officer James Rausch, who was laid off from the Township of Franklin, Gloucester County, a non-Civil Service jurisdiction, to the title of Sheriff's Officer, Gloucester County Sheriff's Office.

ACTION:

B-17 MICHAEL DEBONIS

The Department of Transportation requests that Michael DeBonis' out-of-title experience be accepted to qualify him for a prospective demotional title change pending qualifying examination to the title of Construction and Maintenance Technician 4.

ACTION:

B-18 RENEE JENKINS

The Department of Community Affairs, on behalf of Renee Jenkins, requests that her out-of-title work experience in the title Technical Assistant 1, Community Affairs be accepted to qualify her for a prospective promotional examination for Personnel Assistant 3.

ACTION:

B-19 PETER J. PAPA

South Plainfield petitions the Civil Service Commission for a retroactive permanent appointment date as a Police Sergeant for Peter J. Papa.

ACTION:

B-20 MARY GEPHART

Mary Gephart appeals the decision of the Division of State and Local Operations which found that her position is properly classified as Technical Assistant 3. The appellant seeks a Technical Assistant 2, Treasury classification.

ACTION:

B-21 DONNA SPEAKMAN

The Gloucester County Sheriff, on behalf of Donna Speakman, appeals the decision of the Division of State and Local Operations which found that Ms. Speakman's position with the Gloucester County Sheriff is properly classified as Execution Clerk. The appellant seeks a Senior Execution Clerk classification.

ACTION:

B-22 STEPHANIE FRENCH

Stephanie French, a Senior Correction Officer at the Albert C. Wagner Youth Correctional Facility, Department of Corrections, appeals the determination of the Director, Equal Employment Division, which found that the appellant failed to present sufficient evidence to support a finding that she had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION:

B-23 YEMANE TESFASELASSE

Yemane Tesfaselasse, a Technical Assistant 3 at Ann Klein Forensic Center, Department of Human Services, appeals the determination of the Assistant Commissioner of the Department of Human Services, stating that the appellant failed to present sufficient evidence to support a finding that he had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION:

B-24 HUMAN SERVICES SPECIALIST 1 (C0395K), CAMDEN COUNTY BOARD OF SOCIAL SERVICES

The Camden County Board of Social Services requests the extension of the eligible list for Human Services Specialist 1 (C0395K).

ACTION:

B-25 KEYBOARDING CLERK 3 (PC0757N), MORRIS COUNTY

The Division of State and Local Operations requests that the provisions of *N.J.A.C.* 4A:4-2.5(d) be relaxed to allow employees in the noncompetitive title of Clerk 1 to apply for the examination for Keyboarding Clerk 3 (PC0757N), Morris County.

ACTION:**B-26 MASON'S HELPER (M0344M), PATERSON**

The appointing authority's failure to dispose of the certification for Mason's Helper (M0344M), Paterson, while provisionals are serving in the title, has been referred to the Civil Service Commission for enforcement.

ACTION:**B-27 MECHANIC (M0533M), WILLINGBORO**

Willingboro request permission not to make an appointment from the June 20, 2011 certification for Mechanic (M0533M).

ACTION:**B-28 RECORDS SUPPORT TECHNICIAN 1 (C0506M), MIDDLESEX COUNTY**

Middlesex County requests permission not to make an appointment from the September 21, 2011 certification for Records Support Technician 1 (C0506M).

ACTION:**B-29 SENIOR STOCK CLERK (M1037L), NEWARK SCHOOL DISTRICT**

The Newark School District requests permission not to make an appointment from the August 30, 2010 certification for Senior Stock Clerk (M1037L).

ACTION:

B-30 SUPERVISOR OF GARAGE SERVICES (M0473M), BRICK TOWNSHIP SCHOOL DISTRICT

The Brick Township School District requests permission not to make an appointment from the May 10, 2011 certification for Supervisor of Garage Services (M0473M).

ACTION:

B-31 RENETTA AIKENS, ET AL.

Renetta Aikens, Bernadette Cappetti, Monique Mander, and Gautam Mankad appeal the determinations of the Division of Selection Services which found that they did not meet the experience requirements for the open competitive examination for Administrative Analyst 1 Data Processing (S2095N).

ACTION:

B-32 KIM CEPEDA

Kim Cepeda appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Assistant Personnel Technician (PM0317N), Plainfield.

ACTION:

B-33 KATHLEEN DOUGHERTY AND LEE ANN ZAWATCKI

Kathleen Dougherty and Lee Ann Zawatcki appeal the decisions of the Division of Selection Services that they did not meet the experience requirements for the promotional examination for Quality Assurance Specialist Health Services (PS3056K), New Lisbon Developmental Center.

ACTION:

B-34 JOSEPH GAZZARA

Joseph Gazzara appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the promotional examination for Maintenance Supervisor (PC0435N), Camden County Library.

ACTION:

B-35 PATRICK GULLI

Patrick Gulli appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the open competitive examination for Assistant Manager, Golf Facilities (C0171N), Passaic County.

ACTION:

B-36 JEFFERY RICCIARDI

Jeffery Ricciardi appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, he was below the minimum requirements in experience for the promotional examination for Communications Systems Technician 2 (PS2119G), Department of Environmental Protection.

ACTION:

B-37 DANIEL S. VALLE AND HECTOR L. VELEZ

Daniel S. Valle and Hector L. Velez appeal the determinations of the Division of Selection Services which found that they did not meet the requirements for the promotional examination for Technical Assistant, Management Information Systems (PS1471U), Office of Information Technology.

ACTION:

B-38 HUI XING

Hui Xing appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Data Processing Programmer 2 (PS2123H), Department of Health and Senior Services.

ACTION:

B-39 JUSTIN PRASCHIL

Justin Prashil requests a make-up for the open competitive examination for Fire Fighter (M9999M).

ACTION:

B-40 MARTIN ROLAF

Martin Rolaf appeals his score for the oral portion of the examination for the second level Fire Captain (PM5070M), Teaneck.

ACTION:

B-41 ADOPTED AMENDMENT: N.J.A.C. 4A:2-1.5, REMEDIES

Submitted for the Commission's approval is a Notice of Adoption amending N.J.A.C. 4A:2-1.5, Remedies. The amendment defines the term "sufficient cause" in the context of determining whether a prevailing appellant may receive back pay, benefits, or counsel fees where the appeal is neither disciplinary nor concerns a layoff action done in bad faith. Defining "sufficient cause" is necessary in the wake of the decision in *In the Matter of Hearn*, 417 N.J. Super. 289 (App. Div. 2010), wherein the court held that the Commission's working definition of "sufficient cause" could be applied only via rulemaking, not adjudication. No comments were received during the public comment period. Therefore, it is recommended that the Commission adopt this proposal.

ACTION:

B-42 ADOPTED AMENDMENT: *N.J.A.C.* 4A:4-3.9, REEMPLOYMENT PROGRAM FOR CERTAIN FIREFIGHTERS

Submitted for the Commission's approval is a Notice of Adoption to amend *N.J.A.C.* 4A:4-3.9, concerning the reemployment program known as the "Rice Bill" for laid off municipal firefighters or those municipal firefighters demoted to a non-firefighting title, and laid off civilian Federal firefighters. The amendment would codify P.L. 2010, c.43, which provides that the afore-described individuals would be eligible to participate in the Rice Bill program if the layoff or demotion, as the case may be, occurred within the last 60 months. No comments were received during the public comment period. Therefore, it is recommended that the Commission adopt this proposal.

ACTION:**B-43 ADOPTED AMENDMENT: *N.J.A.C.* 4A:4-2.4, PROMOTIONAL TITLE SCOPE: LOCAL SERVICE**

Submitted for the Commission's approval is a Notice of Adoption to amend *N.J.A.C.* 4A:4-2.4, Promotional title scope: local service. The amendment would make the rule parallel to *N.J.A.C.* 4A:4-2.5, Promotional title scope: State service, by permitting a promotional title scope in local service to be set with or without all or part of the open competitive requirements, as appropriate. No comments were received during the public comment period. Therefore, it is recommended that the Commission adopt this proposal.

ACTION:**B-44 ADOPTED AMENDMENT: *N.J.A.C.* 4A:3-3.9, CLASSIFICATION APPEALS**

Submitted for the Commission's approval is a Notice of Adoption to amend *N.J.A.C.* 4A:3-3.9, Classification appeals. The amendment is intended to make the classification appeal process more efficient and is based on recommendations by Kenneth Connolly, the Director of State and Local Operations. No comments were received during the public comment period. Therefore, it is recommended that the Commission adopt this proposal.

ACTION:

B-45 ADOPTED AMENDMENTS: *N.J.A.C.* 4A:2-2.8 AND 2.13; ADOPTED DELETION: APPENDICES TO *N.J.A.C.* 4A:2-2.8 AND *N.J.A.C.* 4A:2-2.13; AND ADOPTED NEW APPENDICES TO THOSE RULES (MAJOR DISCIPLINARY APPEALS OF CERTAIN CIVIL SERVICE EMPLOYEES AND REMOVAL APPEALS OF CERTAIN LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS)

Submitted for the Commission's approval is a Notice of Adoption amending *N.J.A.C.* 4A:2-2.8 and 2.13; deleting the current Appendices to *N.J.A.C.* 4A:2-2.8 and 4A:2-2.13; and replacing them with new Appendices to those rules, concerning major disciplinary appeals of certain civil service employees and removal appeals of certain law enforcement officers and firefighters. The proposed amendments would provide that an appeal may be dismissed where, after notice of and a reasonable opportunity to correct a deficiency, the appellant still fails to include the required information with his or her appeal form. A new Appendix to *N.J.A.C.* 4A:2-2.8 would include a revised Major Disciplinary Appeal Form. A new Appendix to *N.J.A.C.* 4A:2-2.13 would include a revised Law Enforcement Officer and Firefighter Removal Appeal Form. No comments were received during the public comment period. Therefore, it is recommended that the Commission adopt this proposal.

ACTION:

B-46 RECENT COURT DECISIONS

Submitted for the Civil Service Commission's review are summaries of recent court decisions involving Merit System Board and Civil Service Commission determinations.

ACTION:

B-47 CIVIL SERVICE COMMISSION MINUTES

Submitted for adoption are the Civil Service Commission minutes of its meeting of November 22, 2011.

ACTION: